## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Alexandria Division

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| ) Civil Action No. 1:24-cv-33 | 37  |
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## **ORDER**

Before the Court is Defendants' Motion for Summary Judgment, [Doc. No. 89] (the "Motion"). The Court held a hearing on the Motion on November 6, 2024, following which it took the Motion under advisement.

In support of the Motion, Defendants have presented declarations and exhibits that present a substantial case in their favor. Nevertheless, the elements of the claims alleged are fact intensive, and the facts as presented in this record must be viewed most favorably to the Plaintiff, without any credibility determinations, and with all reasonable inferences drawn in his favor. *See Simply Wireless, Inc. v. T-Mobile US, Inc.*, 115 F.4th 266, 277, 281 (4th Cir. 2024). Based on that standard of review, the Court cannot conclude, except as to Defendant Jeremy T. Arsenault, who Plaintiff concedes should be dismissed as a Defendant, that there are no genuine issues of material facts and that the remaining Defendants are entitled to judgment in their favor as a matter of law as to either liability or the defense of qualified immunity.<sup>2</sup> Therefore, upon consideration of the Motion,

<sup>1</sup> Also before the Court are Motions to Seal, [Doc. Nos. 92, 106, 111, 116], which are granted.

<sup>&</sup>lt;sup>2</sup> By way of brief examples, there are genuine disputes of material fact regarding whether, at the time he was subjected to the restraint chair, Jafaar was undergoing a significant mental health illness, or feigning illness in order to be avoid being kept at the jail. *Compare* [Doc. No. 58-1], *with* [Doc. No. 108]; and given that Jafaar reported his diagnosis to

the memoranda and exhibits submitted in support thereof and in opposition thereto, and the argument of counsel at the hearing, it is hereby

**ORDERED** that the Motion [Doc. No. 89] is **GRANTED** as to Defendant Jeremy T. Arsenault and **DENIED** as to all other Defendants; and it is further

**ORDERED** that the Motions to Seal, [Doc. Nos. 92, 106, 111, 116] are **GRANTED**.

The Clerk is directed to send a copy of this Order to all counsel of record.

November 13, 2024 Alexandria, Virginia

Senior U.S. District Judge

LCADC, [Doc. No. 96] at 1; [Doc. No. 90-11], whether Defendants' actions were reasonable in light of what they knew or should have known about Jafaar's actual mental state at the time of Jafaar's confinement.